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Court Reporting and
Litigation Services

Carmen Weaver

June 16, 2023

Patrick Romano, et al.

vs.

Torch Electronics, LLC, et al.

<p>1 Q. Okay. So, probably at risk of</p> <p>2 oversimplification, does that mean that if there's a</p> <p>3 property that has an issue that the inspector</p> <p>4 identifies, you would inspect it to make sure it's</p> <p>5 fixed?</p> <p>6 A. They're vacant. Correct. They're vacant.</p> <p>7 Q. Okay. How long have you had that job?</p> <p>8 A. I've been with the County for over -- almost</p> <p>9 35 years. I retired over five years ago.</p> <p>10 Q. Okay. I see.</p> <p>11 A. So, I'm a retiree employee.</p> <p>12 Q. What does that mean?</p> <p>13 A. That means that I -- once I retired, I came</p> <p>14 back to work -- they let me come back and work. I'm</p> <p>15 only allowed a certain amount of hours.</p> <p>16 Q. Understood.</p> <p>17 A. A year.</p> <p>18 Q. But it's the same job?</p> <p>19 A. Correct.</p> <p>20 Q. And what do you do for the funeral home?</p> <p>21 A. Just limo driver. I barely work there.</p> <p>22 Q. How long have you done that?</p> <p>23 A. It's been about seven years.</p> <p>24 Q. And you still work there part-time?</p> <p>25 A. If they call. They called today. I</p> <p style="text-align: right;">14</p>	<p>1 Q. Ms. Weaver, how did you become initially</p> <p>2 involved in this lawsuit?</p> <p>3 A. One of my -- well, my attorney, Mr. Lemp, he</p> <p>4 asked me a few questions about it, and then I was</p> <p>5 like, yes, sir.</p> <p>6 Q. Okay. So, to be clear, Mr. Lemp essentially</p> <p>7 notified you about the lawsuit?</p> <p>8 A. Correct.</p> <p>9 Q. When was that approximately?</p> <p>10 A. I think it was -- I'm not sure. I want to</p> <p>11 say earlier this year.</p> <p>12 Q. In 2023 at some point?</p> <p>13 A. Correct.</p> <p>14 Q. Just to be clear, when you refer to</p> <p>15 Mr. Lemp, that's one of the gentlemen sitting here</p> <p>16 representing you today?</p> <p>17 A. That is correct.</p> <p>18 Q. Okay. When was the first time, Ms. Weaver,</p> <p>19 that you interacted personally with any sort of a</p> <p>20 device that you believed was a Torch device?</p> <p>21 A. Well, I can say the first time that I used</p> <p>22 one of those machines, I didn't know that they were</p> <p>23 Torch. I didn't know the name.</p> <p>24 Anyway, probably about -- if I could recall,</p> <p>25 maybe about four years ago. I'm trying to think cause</p> <p style="text-align: right;">16</p>
<p>1 couldn't work cause I was here.</p> <p>2 Q. And as a limo driver, that's the capacity of</p> <p>3 the totality of what you do at the funeral home?</p> <p>4 A. Dir- -- like a funeral director. Like, just</p> <p>5 drive, pick up the family and take 'em to where they</p> <p>6 need to go. And then I also do the service.</p> <p>7 Q. Okay. So you're not working on bodies or</p> <p>8 anything?</p> <p>9 A. No, sir.</p> <p>10 Q. Okay.</p> <p>11 A. No. No, sir. Huh-uh. I can't do that.</p> <p>12 Q. What is your educational background?</p> <p>13 A. College grad, associates degree.</p> <p>14 Q. Where did you get your associates degree?</p> <p>15 A. St. Louis Community College.</p> <p>16 Q. In what?</p> <p>17 A. Code enforcement.</p> <p>18 Q. Do you recall when you got that degree,</p> <p>19 approximately?</p> <p>20 A. I'm gonna say around 2004. I think that was</p> <p>21 a busy year.</p> <p>22 Q. Divorce and the degree.</p> <p>23 A. Correct.</p> <p>24 Q. Okay.</p> <p>25 A. It was around that time, I'm not sure.</p> <p style="text-align: right;">15</p>	<p>1 it was around the time of my niece when she passed</p> <p>2 away. I was trying to see how long she's been</p> <p>3 deceased. But I'm not sure.</p> <p>4 Q. I'm sorry to ask about your niece. But just</p> <p>5 for timing, what was her name?</p> <p>6 A. Her -- her name? Whittni. W-h -- n --</p> <p>7 i-t-t-n-i.</p> <p>8 Q. Was that her first name or last name?</p> <p>9 A. That's her first name.</p> <p>10 Q. And was her last name Weaver?</p> <p>11 A. No. Her last name was Penny. Like the</p> <p>12 penny, P-e-n-n-y.</p> <p>13 Q. Okay. Where was the first device that you</p> <p>14 used that you believe, sitting here today, was a Torch</p> <p>15 device?</p> <p>16 A. The first one was the one that she told me</p> <p>17 about. And that was over on -- well, the first</p> <p>18 machine, I'm not -- again, I'm not sure what -- but</p> <p>19 the first machine was at -- that machine that she</p> <p>20 referred me to was the one over on -- it was 367 by --</p> <p>21 there's a White Castles over there and an Aldi's. I'm</p> <p>22 not sure. It was a BP.</p> <p>23 Q. So, at a BP gas station?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Is there a convenience store associated with</p> <p style="text-align: right;">17</p>

<p>1 January, I've probably been in there less than five 2 times. 3 Q. Why did you go there in January? 4 A. I'm not sure. 5 Q. Do you live near Mally's Supermarket? 6 A. Yes, I do. 7 Q. How far do you live from Mally's 8 Supermarket? 9 A. Probably about a mile-and-a-half or 2 miles. 10 Q. Why have you gone less than five times? 11 A. That's not a area that I frequent all the 12 time. 13 Q. Did you go there just to play the Torch 14 device? 15 A. No. 16 Q. How do you know it was a Torch device? 17 A. I'm not sure. I call them slot machines. 18 So, that's what I know now that they're a Torch device 19 because -- from the lawsuit. 20 Q. Well, let's back up for a second. 21 A. Let's do it. 22 Q. I'm just asking you to testify about what 23 you know. 24 A. Uh-huh. 25 Q. Sitting here today under oath, is it fair to</p> <p style="text-align: right;">22</p>	<p>1 A. Correct. 2 Q. Okay. And I'm not trying to put words in 3 your mouth. 4 A. I got you. 5 Q. But that's a fair statement, right? 6 A. Correct. 7 Q. And similarly February 14th and 8 February 15th, you said that you lost \$40 playing a 9 Torch slot machine inside Midwest Petroleum on 10 Jennings Station Road? 11 A. Correct. 12 Q. Why did you go to that gas station? 13 A. I would get gas and put in lottery tickets. 14 Q. You play the lottery frequently? 15 A. Yes. 16 Q. How frequently? 17 A. Every day. 18 Q. Have you ever won? 19 A. Yes. 20 Q. How much have you won? 21 A. Several. 22 Q. What's the most you've won any time you've 23 played? 24 A. A given or -- what, per day? Like a day? 25 Q. Sure. What's the most you've won in a</p> <p style="text-align: right;">24</p>
<p>1 say you don't know whether it was actually a Torch 2 device at Mally's that you played? 3 A. On the day of? 4 Q. Yes. 5 A. In January? 6 Q. Yes. 7 A. Fair. 8 Q. Okay. 9 A. I'm not sure about the question, but, yeah, 10 that's fair. 11 Q. Okay. 12 THE WITNESS: Can she hear me? 13 Q. Meaning it could have been a Torch device, 14 it could have been some other device that looked like 15 a slot machine? 16 A. I -- I was under the impression that it was 17 a slot machine. 18 Q. In other words, I understand that you 19 thought it was a slot machine -- 20 A. Uh-huh. 21 Q. -- but it could have been manufactured by 22 Torch, it could have been manufactured by some other 23 manufacturer -- 24 A. Correct. 25 Q. -- that look like slot machines?</p> <p style="text-align: right;">23</p>	<p>1 lottery ticket or -- 2 A. In a day, 600. 3 Q. You lost money too? 4 A. Yes. 5 Q. Now, when we look at this declaration, it 6 says the only two places -- let me rephrase that. 7 The two places that you volunteered that you 8 played or potentially played Torch devices in January 9 and February of 2023 were Mally and Midwest Petroleum. 10 A. Correct. 11 Q. Are there any other places that you claim 12 that you played a Torch machine or a Torch device? 13 A. I've been all over. I mean, they're so 14 convenient. If I just go and get gas from the lawn 15 care business, I just walk in. If I have a couple of 16 dollars, then I put them in the machine. 17 Q. Do you know who Mohammed Almuttan is? 18 A. No, sir. 19 Q. To the best of your knowledge, have you ever 20 met Mr. Almuttan? 21 A. No, sir. 22 Q. To the best of your knowledge, have you ever 23 communicated with Mohammed Almuttan? 24 A. No, sir. 25 Q. Are you claiming, sitting here today, that</p> <p style="text-align: right;">25</p>

<p>1 Mohammed Almuttan has caused you any damage or injury 2 or loss of money in any way? 3 A. If he's the owner of the -- of a machine, 4 then yes. If I be losing it, putting the money in the 5 machine, then yes, I lost. 6 Q. But just to be clear, you're claiming to be 7 damaged my Mohammed Almuttan if he is the owner of the 8 machine; is that correct? 9 A. When I put the money in, whoever owns those 10 machines, then yes. I'm not sure who Mohammed is or, 11 you know. 12 Q. Why did you sue Mohammed Almuttan? 13 A. Why did I what? 14 Q. Why did you sue Mohammed Almuttan? 15 A. That's something -- I mean, that's -- well, 16 that's something my lawyers -- I'm not sure. 17 Q. All right. You don't know why you sued 18 Mohammed Almuttan? 19 A. I mean, that's why I hired a lawyer to do 20 that. 21 Q. Sitting here today, can you tell me a single 22 thing that Mohammed Almuttan has ever done to you? 23 A. No. Just with the machines. That's the 24 only -- that's my concern. I don't know him 25 personally.</p> <p style="text-align: right;">26</p>	<p>1 A. Oh, probably about less than 15 minutes. 2 Q. How much money did you put into the device? 3 A. That device, oh, I probably put about -- I 4 put about \$20. I'm not sure. About \$20, if that. 5 Q. How many times did you push the button or 6 spin the wheel or -- 7 A. That I can't say, sir. 8 Q. Approximately? 9 A. I don't -- no. I push very fast. So, 10 probably about -- I don't know. I can't say. 11 Q. Were there some times when you played the 12 device and you won money? 13 A. Yes. 14 Q. And there were some times when you lost 15 money, correct? 16 A. Correct. 17 Q. And you played this device voluntarily, 18 correct? 19 A. Yes. 20 Q. Nobody forced you to do that, correct? 21 A. No, sir. 22 Q. How many times are you claiming to have 23 played a device that you believe was a Torch slot 24 machine or may have been a Torch slot machine inside 25 Mally's Supermarket?</p> <p style="text-align: right;">28</p>
<p>1 Q. Describe Mally's Supermarket to me. 2 A. Mally's, I can't recall how that store 3 looks. I mean, it's just -- all I know is that it has 4 Mally's Supermarket on the top. I think -- I'm not 5 sure if that used to be the laundromat or what, but 6 now it's a market. I'm not sure on that one. 7 Q. Were in the store was the device -- 8 A. I think it was on the back on the side. 9 Like over there on that side somewhere. 10 Q. So, if I'm walking -- is there one entrance 11 into Mally- -- Mally's Supermarket? 12 A. Is there what? 13 Q. Is there just one entrance into Mally's 14 Supermarket? 15 A. Yeah, there's a door. 16 Q. Okay. If I was walking into that door in 17 January 2023, where do I go to get to the machine that 18 you -- 19 A. That I can't recall. Like I said, I've been 20 in there twice, so that would be something that I 21 can't. 22 Q. The first time that you played this device, 23 whether it was a Torch device or some other device, in 24 January 2023 at Mally's, how long were you sitting at 25 the device?</p> <p style="text-align: right;">27</p>	<p>1 A. Like, again, probably maybe -- I've been to 2 Mally's maybe twice. 3 Q. Did you play the device both times you were 4 there, or just one? 5 A. I believe -- I'm not sure. I think it was 6 twice. 7 Q. But sitting here today, you don't know? 8 A. I couldn't answer. No. Huh-uh. 9 Q. Can you tell me anything about the second 10 time, if there was a second time? 11 A. No. Like I was saying, I run in and 12 probably was -- probably was getting ready to go and 13 do something, pick up something, and ran in there. 14 It's a store that's down the street. I probably just 15 ran down -- I'm not sure. 16 Q. Okay. 17 A. Like I said -- 18 Q. So, you remember one time. You don't 19 remember any more times? 20 A. No, I remember it was like twice I've been 21 in that store. I frequent the one on Jennings Station 22 Road. 23 Q. Let me be clear for a second. I'm asking 24 about -- 25 A. Mally.</p> <p style="text-align: right;">29</p>

<p>1 Q. -- not how many times you've been in the 2 store. But how many times you've been in the store 3 and used this device. 4 A. Maybe twice. 5 Q. Okay. What happened the second time? How 6 much money did you put in? 7 A. Probably less than \$10 or something. I'm 8 not sure. 9 Q. Did you make money? 10 A. No. 11 Q. How much did you lose? 12 A. That I don't know. 13 Q. Did you read anything in terms of language, 14 either on the device or on any sort of company's 15 website -- 16 A. No. 17 Q. -- about how these devices -- I just need to 18 finish my question. 19 A. Oh, sorry. 20 Q. -- about how these devices worked or how 21 much money you might make or not make before you play 22 it? 23 A. No. 24 Q. Okay. Is it fair to say that if there was 25 anything written on the device, or in any other</p> <p>30</p>	<p>1 A. Maybe three or four times a year, if that. 2 It depends. 3 Q. Do you go to other casinos? 4 A. Casino Queen -- I mean not -- not Casino 5 Queen. 6 The other one. I'm trying to think of the 7 name. Hollywood. 8 Q. How frequently do you go to Hollywood? 9 A. I can't say. 10 Q. Every year? 11 A. Probably once a year or twice, I don't... 12 Q. What do you play when you're at these 13 casinos? 14 A. I play the roulette sometimes. 15 Q. When you play roulette, is it fair to say 16 that before every time the ball goes around the 17 circle, or however you would describe it -- 18 A. Uh-huh. 19 Q. -- you have no idea -- no one has any idea 20 and no way of knowing whether that ball is going to 21 land on the No. 16 or on red, or anything along those 22 lines, correct? 23 A. Correct. 24 Q. It's true chance, correct? 25 A. Correct.</p> <p>32</p>
<p>1 capacity, you did not rely on what was written before 2 you decided to play at any time? 3 In other words, if you didn't read it, you 4 couldn't rely on it, correct? 5 A. Correct. 6 Q. Okay. And, to this day, you've never read 7 anything that Torch or any other company might have 8 put out about these devices, correct? 9 A. Correct. 10 Q. Who owns Midwest Petroleum on Jennings 11 Station Road? 12 A. I have no clue. I'm not sure. 13 Q. Do you play -- do you gamble outside of what 14 you contend is gambling with these devices? 15 A. Yes. 16 Q. Okay. You've talked about the lottery. 17 A. Correct. 18 Q. Where else do you gamble? 19 A. I've been to some of the casinos. 20 Q. In Missouri? 21 A. Yes, sir. 22 Q. Just by way of example, can you name any of 23 those casinos? 24 A. Sure. Horseshoe downtown. 25 Q. How frequently do you go to Horseshoe?</p> <p>31</p>	<p>1 Q. And that's what makes it gambling, correct? 2 A. Correct. 3 Q. Because there's no way of trying to figure 4 out in advance, other than just guessing, what the 5 result's going to be, correct? 6 A. Correct. 7 Q. Because if there was a way -- 8 A. I'd be a millionaire. 9 Q. You would put it on No. 7 -- 10 A. Right. 11 Q. -- if you knew it was going to be No. 7, 12 correct? 13 A. Correct. 14 Q. You'd put it on even instead of odd if you 15 knew it was always going to be on No. 22 or whatever 16 it was going to be, correct? 17 A. Correct. 18 Q. Now, do you also play slot machines at any 19 casinos? 20 A. Yes, sir. 21 Q. At Horseshoe and Hollywood. Any other 22 casinos? 23 A. Argosy over in Illinois. 24 Q. Okay. What was that called, I'm sorry? 25 A. It's Argosy, I believe, yeah.</p> <p>33</p>

<p>1 Mally's Supermarket or at Midwest Petroleum different 2 from the experience that you have had playing a slot 3 machine at a casino? 4 A. Yes. 5 Q. How was it different? 6 A. Because when you go and gamble in the 7 casinos, you can see what you -- what -- what you're 8 really doing, or if you get a payout, then you can 9 print out the ticket. 10 When you into these, these two places or 11 that particular on Jennings Station Road, if you do 12 win, then they -- you have to go behind -- they -- you 13 just hit collect. The money doesn't come out. The 14 ticket doesn't come out. Then you have to go to the 15 clerk and retrieve. 16 Q. Okay. So, it's different insofar as how you 17 collect your winnings or your remainder, correct? 18 A. Correct. And then -- 19 Q. Is it different in any other way? 20 A. I'm -- I'm not sure about that how it is. I 21 know sometimes, on the slot machine, it will tell you 22 what -- what's up at the top. Like, it will say minor 23 ball or something like that, and it will tell you the 24 amount. And then -- you know, those are the machines 25 that I play. And these, I don't see how they can -- I</p> <p style="text-align: right;">38</p>	<p>1 I don't mean this critically, but do you 2 really know whether you're an average user? 3 A. Yeah, I'm an average gambler. I'm not one 4 that gambles, you know, all the time, I mean... 5 Q. Do you play the lottery every day? 6 A. I do. But it could be -- I mean, sometimes 7 I don't play it every day. I mean, it depends on the 8 mood I'm in. 9 Q. Okay. Is it fair to say that some people 10 play Torch devices for shorter amounts of time? 11 A. Yes. 12 Q. Some people play for longer amounts of time 13 than you? 14 A. Correct. 15 Q. Some people play it for a million different 16 reasons, correct? 17 A. Yes, sir. 18 Q. In that way, you and those people are 19 different, correct? 20 A. That's correct. 21 Q. Some people win money, correct? 22 A. Yeah. 23 Q. Some people lose money, correct? 24 A. Yes, sir. 25 Q. In those ways, you and those people are</p> <p style="text-align: right;">40</p>
<p>1 don't see any of that on those. 2 Q. Do you have -- sitting here today, do you 3 have any idea how much a particular Torch device pays 4 out or doesn't pay out? 5 A. No, I don't. 6 Q. So, is it fair to say, sitting here today, 7 it may pay out more than the casinos, it may pay out 8 less than casinos, it may pay out the same as casinos? 9 A. Correct, I could say that. 10 Q. You testified about why you have played 11 devices that may have been Torch devices, correct? In 12 other words, you wanted to win some money? 13 A. Correct. 14 Q. Would you agree with me that some people 15 might have different reasons for playing these 16 devices? 17 A. They might. I can't say. 18 Q. You have no idea, correct? 19 A. Correct. 20 Q. Okay. You're not sitting here saying that 21 you are the typical user of these devices or player of 22 these devices; you may be typical, you may be 23 atypical, correct? 24 A. I'd say I'm an average user. 25 Q. Based on what?</p> <p style="text-align: right;">39</p>	<p>1 different, correct? 2 A. Yes, sir. 3 Q. Some people enthusiastically want these 4 devices to remain, you know, in every gas station on 5 the planet, correct? 6 A. Could be, yes, sir. 7 Q. Some people don't want to ever see them 8 again, correct? 9 A. Correct. 10 Q. In that way you're different? 11 A. Correct. 12 Q. There's, in fact, many, many ways that you 13 and users of these Torch devices are different as 14 opposed to the same, correct? 15 A. Repeat that. I'm sorry. 16 Q. Sure. All these ways that we've just talked 17 about and more -- 18 A. Uh-huh. 19 Q. -- there's many ways that you are not the 20 same as other people that use these devices, correct? 21 A. Correct. I could say -- say that. 22 Q. And, in fact, your experience, your motives, 23 your desires, your life experience in playing these 24 devices may or may not be typical compared to other 25 people, correct? You have no way of knowing, correct?</p> <p style="text-align: right;">41</p>

<p>1 A. I'm not sure about that one. I mean, that</p> <p>2 one I don't know what to say. I'm really not sure how</p> <p>3 to answer that one to be honest.</p> <p>4 Q. Okay. Let me ask it a different way.</p> <p>5 A. Thank you.</p> <p>6 Q. There are ways in which -- and I think</p> <p>7 you've already answered yes to this a couple of times.</p> <p>8 There are ways in which you, as a user --</p> <p>9 A. Uh-huh.</p> <p>10 Q. -- of these kinds of devices are very</p> <p>11 different from other users, and there's ways in which</p> <p>12 those other users are very different from each other,</p> <p>13 correct?</p> <p>14 A. Correct.</p> <p>15 Q. This is not the kind of thing where</p> <p>16 everyone's in the same boat, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Now, what do you hope to get out of this</p> <p>19 lawsuit?</p> <p>20 A. What I hope to get out of it, I really want</p> <p>21 compensation, and also for the machines to be gone.</p> <p>22 Q. How much compensation are you seeking?</p> <p>23 A. I'm not sure. Just -- just what -- just</p> <p>24 basically that the machines would be gone.</p> <p>25 Q. Is it fair to say you're not seeking</p> <p style="text-align: right;">42</p>	<p>1 A. Correct.</p> <p>2 Q. -- I hit the button --</p> <p>3 A. Uh-huh.</p> <p>4 Q. -- I win \$3. I have \$13 now, correct?</p> <p>5 A. Correct.</p> <p>6 Q. I'm better off than I was 30 seconds</p> <p>7 earlier, correct?</p> <p>8 A. That is correct.</p> <p>9 Q. All I have to do is just walk away, correct?</p> <p>10 A. That is correct.</p> <p>11 Q. Now, if the device has a way of knowing</p> <p>12 before you ever decide to put money in --</p> <p>13 A. Uh-huh.</p> <p>14 Q. -- whether you're going to win or lose --</p> <p>15 A. Uh-huh.</p> <p>16 Q. -- that's not something that -- well,</p> <p>17 correct?</p> <p>18 A. If the device --</p> <p>19 Q. If you can push a button --</p> <p>20 A. Uh-huh.</p> <p>21 Q. -- and say if I put a dollar in, I'm going</p> <p>22 to win \$2 on this next roll, this next spin, that's</p> <p>23 kind of cool, right?</p> <p>24 A. Yes.</p> <p>25 Q. That doesn't harm anyone, correct?</p> <p style="text-align: right;">44</p>
<p>1 compensation?</p> <p>2 A. It is what -- I mean, whatever happens,</p> <p>3 happens. But as long as the machines are gone, I</p> <p>4 could save money that way.</p> <p>5 Q. You can also save money by not playing the</p> <p>6 machines?</p> <p>7 A. That's true.</p> <p>8 Q. You can also --</p> <p>9 A. But they're so convenient.</p> <p>10 Q. You can also make money by playing the</p> <p>11 machines, correct?</p> <p>12 A. True. I don't know.</p> <p>13 Q. You would have to, correct?</p> <p>14 A. Not --</p> <p>15 Q. You testified earlier --</p> <p>16 A. Yes.</p> <p>17 Q. -- there were a number of times you won.</p> <p>18 A. Yes.</p> <p>19 Q. So, if you walk -- if you play once, you</p> <p>20 win, and you walk away --</p> <p>21 A. Uh-huh.</p> <p>22 Q. -- you're better than you are financially</p> <p>23 than when you walked in, correct?</p> <p>24 A. Mmmmm.</p> <p>25 Q. If I put \$10 into a machine --</p> <p style="text-align: right;">43</p>	<p>1 A. No.</p> <p>2 Q. Meaning that's correct?</p> <p>3 A. Correct.</p> <p>4 Q. Now, I asked you about Mohammed Almuttan.</p> <p>5 Are you seeking money from him?</p> <p>6 A. That'd be something I have to talk to my</p> <p>7 lawyer. I'm not sure about that. I'm not --</p> <p>8 Q. Well, sitting here today, do you believe</p> <p>9 you've lost money to Mohammed -- to anything Mohammed</p> <p>10 Almuttan has done to you?</p> <p>11 A. I believe I lost money to these machines.</p> <p>12 Q. That wasn't my question.</p> <p>13 A. I understand.</p> <p>14 Q. My question is: Do you believe you've lost</p> <p>15 money based on anything that Mohammed Almuttan has</p> <p>16 done to you?</p> <p>17 A. I'm not understanding the question. So.</p> <p>18 Q. Do you believe that you have less money now</p> <p>19 because of something that Mohammed Almuttan did than</p> <p>20 you would have had if Mohammed Almuttan -- Almuttan</p> <p>21 didn't do that thing? Recognizing you've already</p> <p>22 testified you never met the guy, never talked to the</p> <p>23 guy, never --</p> <p>24 A. Correct.</p> <p>25 Q. -- interacted with him.</p> <p style="text-align: right;">45</p>

<p>1 deposition?</p> <p>2 A. No, sir. I read it when -- he gave it to</p> <p>3 me, and then I read it again last night.</p> <p>4 Q. When you initially in March got a copy of</p> <p>5 this --</p> <p>6 A. Uh-huh.</p> <p>7 Q. -- did you read every word of it?</p> <p>8 A. No, not every word. I -- no, not every</p> <p>9 word.</p> <p>10 Q. Okay. Is there anything in here, having</p> <p>11 read it as recently as last night, that you believe is</p> <p>12 untrue or inaccurate?</p> <p>13 A. No. That's what I hired him for. I trust</p> <p>14 them. I trust my lawyer.</p> <p>15 Q. Let me ask this specifically.</p> <p>16 A. Go ahead.</p> <p>17 Q. There -- there's some legal statements in</p> <p>18 here, but then there's a lot of factual statements.</p> <p>19 A. Okay.</p> <p>20 Q. Fair enough?</p> <p>21 A. Correct.</p> <p>22 Q. Based on all of the factual statements</p> <p>23 you've read, is there anything that's not true?</p> <p>24 A. No. This is all true for -- to my</p> <p>25 knowledge.</p> <p>50</p>	<p>1 Q. Meaning you -- you believe that to be true</p> <p>2 because --</p> <p>3 A. I believe --</p> <p>4 Q. -- you heard about it?</p> <p>5 A. -- on the news.</p> <p>6 Correct.</p> <p>7 Q. Do you have any firsthand knowledge about</p> <p>8 whether any of that is true?</p> <p>9 A. No, sir.</p> <p>10 Q. Okay. Fair to say everything on the news is</p> <p>11 not always accurate?</p> <p>12 A. That's correct. You could say that.</p> <p>13 Q. Do you know Rami Almuttan?</p> <p>14 A. No, sir.</p> <p>15 Q. Are you claiming to have been damaged in any</p> <p>16 way by Rami Almuttan?</p> <p>17 A. If he owns -- I'm not -- I'm not sure about</p> <p>18 that one.</p> <p>19 Q. What are you hoping to get out of being the</p> <p>20 class representative if, in fact, the court certifies</p> <p>21 this as a class action and appoints you as a class</p> <p>22 rep?</p> <p>23 A. For -- mainly, I want the machines to be --</p> <p>24 I mean, they're so convenient. I just really want the</p> <p>25 machines to be gone.</p> <p>52</p>
<p>1 Q. Okay. If we look at the Complaint, there's</p> <p>2 some statements. Defendant Mohammed Almuttan pled</p> <p>3 guilty to knowingly violating some statutes for his</p> <p>4 involvement in a conspiracy to defraud the United</p> <p>5 States through the sale of contraband cigarettes.</p> <p>6 Is that true?</p> <p>7 A. It said he pled guilty, so it must be true.</p> <p>8 I'm not a lawyer.</p> <p>9 Q. The fact that a lawsuit says something</p> <p>10 doesn't make it true.</p> <p>11 A. Yeah, I know.</p> <p>12 Q. So, I'm asking you factually. And if you</p> <p>13 don't know the answer, just say you don't know.</p> <p>14 A. I don't know that.</p> <p>15 Q. It says: Defendant Mohammed Almuttan was</p> <p>16 involved in a scheme to bribe alderman --</p> <p>17 paragraph 18 -- in the City of St. Louis, including</p> <p>18 Board President, Lewis Reed; 21st Ward Alderman, John</p> <p>19 Collins-Muhammad; and 22nd Ward Alderman, Jeffrey</p> <p>20 Boyd. This scheme led to the federal criminal</p> <p>21 conviction of the three alderman.</p> <p>22 Is that true?</p> <p>23 A. Correct.</p> <p>24 Q. How do you know?</p> <p>25 A. The news.</p> <p>51</p>	<p>1 Q. Would you --</p> <p>2 A. Or be regulated. I'm sorry.</p> <p>3 Q. Would you agree with me -- well, let's back</p> <p>4 up for a second.</p> <p>5 A. Go ahead.</p> <p>6 Q. You just testified a second ago that what</p> <p>7 you really want is the machines -- the Torch machines</p> <p>8 to be regulated, correct?</p> <p>9 A. Well, if I can say, I don't think there's no</p> <p>10 way to generate it, like you can your losses with the</p> <p>11 ones at the casino.</p> <p>12 Q. Let's back up for a second.</p> <p>13 Are you happy if at the end of this lawsuit</p> <p>14 some sort of governmental entity regulates these</p> <p>15 devices?</p> <p>16 A. I would, personally, yes.</p> <p>17 Q. Okay.</p> <p>18 A. If they could be regulated.</p> <p>19 Q. Are you happy if at the end of this lawsuit</p> <p>20 these devices are nowhere to be found in the state of</p> <p>21 Missouri?</p> <p>22 A. Correct. Yes, sir.</p> <p>23 Q. Would you agree with me there are some</p> <p>24 people who play these devices that don't want what you</p> <p>25 want, correct?</p> <p>53</p>

<p>1 A. Yes, sir. 2 Q. Some people want them -- 3 A. There. 4 Q. -- in gas stations, correct? 5 A. Uh-huh. 6 Q. Some people want them, if there's five now, 7 they want ten, correct? 8 A. Correct. 9 Q. Some people want them instead of in the gas 10 station 2 miles from their house, in the gas station 11 1 mile from their house -- 12 A. Right. 13 Q. -- correct? 14 So, what you want out of this lawsuit is not 15 the same as what other users of these Torch devices 16 want, correct? 17 A. I'm not sure what they will want, but... 18 Q. But it might be the same as some and not 19 others. 20 A. Correct. 21 Q. We would have to ask each of them 22 individually correct? 23 A. That is correct. 24 Q. That's the only way of knowing -- 25 A. What they want.</p> <p>54</p>	<p>1 Q. -- do you recall what game specifically you 2 played or what it looked like? 3 A. I'm not sure. 4 Q. Was there any -- 5 A. I'm not sure. 6 Q. -- insignia on the device? Meaning, any 7 logo or graphic. You know what I mean by that? 8 A. No, not sure if there was, no. 9 Q. Let me ask it a different way. 10 You're familiar with, like, the Nike logo, 11 correct? 12 A. Right. 13 Q. Okay. A little swish thing. 14 A. Yes, sir. 15 Q. I can't believe I'm doing that with my hand, 16 but whatever it is. 17 A. Yeah 18 Q. Was there any sort of logo or graphic on the 19 device that you played at Mally? 20 A. Again, I'm not sure. They all look alike. 21 I just can see a buffalo, and I'm not sure which one, 22 where I was. 23 Q. A buffalo? 24 A. Yeah, it was a buffalo machine. The one 25 that plays the buffalo. Which -- I'm not sure if</p> <p>56</p>
<p>1 Q. -- what they want, correct? 2 A. Yes, sir. 3 Q. Okay. Is it fair to say you have not asked 4 everyone who has used a Torch device what they want 5 out of this lawsuit, correct? 6 A. No, sir. 7 Q. Have you been promised anything -- in 8 exchange for being -- for serving as the class 9 representative if, in fact, you're named the class 10 representative? 11 A. No, sir. 12 Q. Has it been suggested to you that you could 13 get some sort of incentive fee? I don't even -- 14 A. Not that I --no, not to my knowledge. 15 Q. Okay. Has that ever been discussed? 16 A. Not to my knowledge what you called it. I'm 17 not sure. 18 Q. Do you expect to get more because your name 19 is in this lawsuit if, in fact, this lawsuit is 20 successful than if your name wasn't in this lawsuit? 21 A. Not really. 22 Q. When you played the device at Mally -- 23 A. Yes. 24 Q. -- the one or two times that you played -- 25 A. Yes, sir.</p> <p>55</p>	<p>1 you're a gambler or not, but you might not know what 2 I'm speaking of. 3 Q. I don't. Can you explain it? 4 A. Okay. No. It's just like it's the, 5 buffalo, "whoo buf-." It's just the machine. I don't 6 know. 7 Q. Was the device that you were playing, were 8 there sounds? 9 A. Yeah. That -- that's when they make the 10 buffalo. Yes, sir. 11 Q. What were the sounds? 12 A. "Whoo, buffalo." I don't know. You just 13 say buffalo. 14 (Laughter.) 15 ATTORNEY GELFAND: I apologize to the court 16 reporter, and I'm glad this is a video deposition. 17 (Laughter.) 18 Q (By Attorney Gelfand) Were there lights? 19 A. Lights of buffalo stampedes, put it that 20 way. 21 Q. Okay. Were there sounds and lights before 22 you decided to play? 23 A. No. I mean, there could have been. I'm not 24 sure. 25 Q. That's not why you played, correct?</p> <p>57</p>

<p>1 I was showing you what's been marked as 2 Exhibit 5. The document I was just showing you. 3 A. Yes, sir. 4 Q. Okay. In Exhibit 5, your lawyers wrote: 5 Except as permitted in a constitutionally authorized 6 casino -- 7 A. Uh-huh. 8 Q. -- gambling is a criminal offense. 9 A. Okay. 10 Q. And then it says: A person commits the 11 offense of gambling if he or she knowingly engages in 12 gambling. 13 And it cites Section 572.020 -- 14 A. Uh-huh. 15 Q. -- of the Revised Statutes of the State of 16 Missouri. 17 A. Yes, sir. 18 Q. And then it says: Yes, consumers were 19 gambling. 20 Did I read that all correctly? 21 A. Yes, you did. 22 Q. Okay. Are you here under oath in this civil 23 lawsuit testifying that you engaged in the criminal 24 offense of gambling? 25 A. Criminal, no. I'm not -- I'm not</p> <p style="text-align: right;">62</p>	<p>1 Q. So, it's simply the mere fact -- 2 A. Yes, sir. 3 Q. -- that a device that may or may not have 4 even been a Torch device was at Mally? 5 A. Correct. 6 ATTORNEY GELFAND: Thank you. At this time 7 I don't have any further questions. I may have some 8 questions later. But Mr. Craig may have some 9 questions for you. 10 THE WITNESS: Yes, sir. Thank you. 11 ATTORNEY GELFAND: It's all set up. 12 ATTORNEY CRAIG: Hello, Ms. Weaver. 13 THE WITNESS: Hi. Hello. 14 [CROSS-EXAMINATION] 15 QUESTIONS BY ATTORNEY CRAIG: 16 Q. My name is Aaron Craig. And I am counsel 17 for Torch Electronics and Steven Miltenberger and 18 Warrenton Oil. 19 A. Yes, sir. 20 Q. Okay -- I -- I want to follow-up on 21 something that you were asked just a second ago. 22 And I think opposing counsel said, so, 23 you're admitting a crime. And you said, quote, I 24 guess so. 25 Just to follow-up on that, I mean, you would</p> <p style="text-align: right;">64</p>
<p>1 understanding that question. I gamble, that is 2 correct. 3 Q. When you claim to have played the device at 4 Mally, are you sitting here saying I knowingly 5 gambled? 6 A. Yes, I did gamble. 7 Q. And your lawyers are saying that's a crime. 8 A. Well -- 9 Q. Do you know that? 10 A. If that's what they say then, okay. 11 Q. So, you're admitting to a crime? 12 A. I guess so. 13 Q. Now, finally with respect to Mally in 14 particular, are you contending, sitting here today, 15 that the only thing Mally you believe did wrong was 16 just have a device that may or may not have been a 17 Torch device? 18 A. Correct. 19 Q. Was there anything else that Mally did? Are 20 you claiming that you filed this lawsuit against Mally 21 because Mally said something about the Torch device or 22 encouraged you to play the Torch device or forced you 23 to play the Torch device or anything along those 24 lines? 25 A. No, I'm not saying that.</p> <p style="text-align: right;">63</p>	<p>1 agree that it's possible that other potential members 2 of this class might not want to or be willing to admit 3 that they have allegedly engaged in quote, unquote, 4 illegal gambling, fair? 5 A. May I say I was under the impression that 6 gambling, that you can gamble in Missouri. That it is 7 legal. 8 Q. Yeah. So, I mean, its -- it's an 9 interesting -- it's an interesting conundrum. 10 You know, my client's position is that it's 11 impossible for you to gamble on a Torch device, as 12 gambling is defined under Missouri law. So, certainly 13 my position would be consistent with a position that 14 you did not illegally gamble on a Torch device because 15 that's impossible. 16 But, as I understand it, the allegations 17 that you and other members, named Plaintiffs, are 18 operating under is that the Torch devices are, in 19 fact, illegal gambling devices, and thus, by 20 extension, anybody who played those illegal gambling 21 devices would be illegally gambling. 22 Does that make sense? 23 A. At the time, I didn't know that they were 24 illegal. I thought they were legal. 25 Q. Okay. Well, and just with that explainer,</p> <p style="text-align: right;">65</p>